

## Message Text

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15

ACTION EUR-12

INFO OCT-01 NEA-10 ISO-00 SCCT-01 SY-05 USSS-00 CAB-02

CIAE-00 COME-00 DODE-00 DOTE-00 EB-07 INR-07 NSAE-00

CIEP-01 FAA-00 PM-04 H-02 L-03 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 JUSE-00 DHA-02 IO-13 /100 W

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P R 190730Z AUG 76

FM AMEMBASSY ANKARA

TO SECSTATE WASHDC PRIORITY 4634

INFO AMEMBASSY TEL AVIV

AMCONSUL ADANA

AMCONSUL ISTANBUL

AMCONSUL IZMIR

C O N F I D E N T I A L ANKARA 6356

E.O. 11652: GDS

TAGS: PINS, ASEC, TU

SUBJECT: GOT HANDLING OF ISTANBUL AIRPORT TERRORISTS

REF: (A) ANKARA 6273, (B) STATE 203862

1. MINSTATE SEYFI OZTURK, WHO IS ACTING FONMIN WHILE CAGLAYANGIL IS IN NEW YORK, ASKED ME TO MEET WITH HIM EARLY EVENING AUGUST 18 SHORTLY AFTER HIS RETURN FROM ISTANBUL, WHERE HE HAD ATTENDED TURKISH NATIONAL SECURITY COUNCIL (TNSC) MEETING. AFTER A BRIEF (AND PERHAPS IRONIC) REFERENCE TO THE FACT THAT THE LAST TIME WE MET WAS TO DISCUSS THE BRAZINSKAS CASE, HE DROPPED THAT SUBJECT AND REFERRED TO MY DEMARCHE TO MFA SECGEN ELEKDAG ON THE TERRORISTS INVOLVED IN THE ISTANBUL AIRPORT ATTACK (REF A). HE SAID HE FELT "HURT" THAT WE HAD "MISUNDERSTOOD" THE GOT'S POSITION, AND HE PROCEEDED TO SET FORTH THAT POSITION IN CLEAR AND POSITIVE TERMS.

2. "I AM STATING ON BEHALF OF MY GOVT," OZTURK SAID, "THAT THE TERRORISTS' ACTION AT ISTANBUL IS A CRIME AGAINST  
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ALL HUMANITY, AND WE CONDEMN IT." HE CONTINUED THAT "IT

IS TO BE REGRETTED" THAT THE INCIDENT OCCURRED IN TURKISH TERRITORY, BUT HE NOTED THAT THE TURKISH SECURITY FORCES HAD RESPONDED VERY EFFECTIVELY. EXCEPT FOR THE ISRAELI RAID AT ENTEBBE, "NO OTHER COUNTRY HAS SHOWN SUCH A SUCCESSFUL STAND AGAINST TERRORIST ACTION", HE ASSERTED.

3. OZTURK NEXT CALLED ATTENTION TO THE COMMUNIQUE ISSUED BY THE COUNCIL OF MINISTERS FOLLOWING ITS MEETING ON AUG 12, THE DAY AFTER THE AIRPORT ATTACK. IN THAT COMMUNIQUE, HE POINTED OUT, IT WAS STATED THAT THE COUNCIL OF MINISTERS HAD "RECEIVED WITH REGRET (THE REPORT OF) THE DEPLORABLE INCIDENT." HE NOTED ALSO THAT THE STATEMENT ON THE AIRPORT ATTACK OCCUPIED FIRST PLACE IN THE COMMUNIQUE, WHILE A STATEMENT ON THE SISMİK PROBLEM WAS IN FIFTH PLACE. AFTER THE COUNCIL OF MINISTERS MEETING, HE WENT ON, PRİMİN DEMİREL MET WITH THE LOCAL AND FOREIGN PRESS AND MADE A STATEMENT REGRETTING THE INCIDENT.

4. AS FOR THE STATEMENTS OF MINİTERİOR ASİLTURK ON THE POSSIBLE EXTRADITION OF THE TWO TERRORISTS (REF A), OZTURK SAID THAT HE WAS NOT GOING TO DISCUSS ASİLTURK'S "PERSONAL" STATEMENTS BUT HE DID WANT TO EMPHASIZE THAT THE STATEMENTS WERE PERSONAL AND NOT REPRESENTATIVE OF THE GOVT'S POLICY. ASİLTURK IS A GOOD MAN, "ANTI-COMMUNIST AND HUMANITARIAN", HE OBSERVED, AND IN A COALITION GOVT IT IS NOT USEFUL TO RITIZE A COALITION PARTNER. HOWEVER, "AS I AM THE MINISTER RESPONSIBLE AT THIS TIME," HE SAID, "LET ME EXPLAIN THE OFFICIAL LEGAL POSITION OF THE GOVT." HE STATED THAT THE TERRORISTS WOULD BE TRIED BY TURKISH COURTS WHICH WOULD DECIDE THE CASE IN ACCORDANCE WITH TURKISH LAWS. (HERE HE NOTED, BY WAY OF STRESSING THE RULE OF LAW IN TURKEY, THAT THE BRAZINSKASES COULD NOT HAVE BEEN RELEASED HAD A GENERAL AMNESTY NOT BEEN PASSED BY PARLIAMENT IN 1974.) HE SAID THE İSTANBUL TERRORISTS WERE CHARGED WITH "ADAM OLDURME", WHICH THE INTERPRETER RENDERED AS "HOMICIDE". I INTERRUPTED TO ASK WHETHER, IN LEGAL TERMS, THIS CHARGE CORRESPONDED TO "MURDER" OR TO "MANSLAUGHTER" IN OUR USAGE. THE MINISTER VIGOROUSLY AFFIRMED THAT IT WAS "MURDER", WHILE ADDING THAT FURTHERMORE IT HAD BEEN A PLANNED CRIME AND WAS CARRIED OUT "WITH MALICE AFORETHOUGHT". THE PROSECUTOR IS ASKING FOR THE DEATH SENTENCE, HE SAID. "I STRONGLY BELIEVE THAT THE PUBLIC CONSCIENCE IN TURKEY DOES

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NOT DIFFERENTIATE BETWEEN NATIONALITIES AND CREEDS WHEN IT COMES TO PUNISHING CRIMES, HE DECLARED.

5. I NOTED THAT THE CAUSE OF OUR UNEASINESS HAD BEEN THE INTERIOR MINISTER'S STATEMENTS ABOUT EXTRADITION, AND I ASKED WHETHER, ONCE COURT PROCEEDINGS HAVE STARTED ON A MURDER CHARGE, THEY COULD BE INTERRUPTED BY AN EXTRADITION PROCEEDING. OZTURK SAID THERE WERE TWO REASONS WHY EXTRADITION WOULD

NOT RPT NOT BE POSSIBLE. FIRST, THERE CAN BE NO EXTRADITION WHEN A POLITICAL CRIME IS INVOLVED, AND THE AUTHORITY FOR DETERMINING WHETHER A CRIME IS POLITICAL RESTS WITH THE FOREIGN MINISTRY. SECOND, THE INTERPRETATION AND IMPLEMENTATION OF EXTRADITION TREATIES IS EXCLUSIVELY THE PROVINCE OF THE FOREIGN MINISTRY.

6. OZTURK THEN WENT OFF THE RECORD FOR A LENGTHY DISCUSSION OF THE LESSON HE HAD LEARNED FROM THE EICHMANN TRIAL, NAMELY, THAT THERE IS A LEGAL BASIS FOR CONSIDERING SOME CRIMES AS CRIMES AGAINST ALL HUMANITY. HE MADE IT VERY CLEAR THAT HE HOLDS STRONG FEELINGS ABOUT THE ABSOLUTE NECESSITY OF PROSECUTING THE TERRORISTS. HE CONCLUDED BY SAYING THAT THE TURKISH NATIONAL SECURITY COUNCIL, IN DECIDING TO GO AHEAD WITH PROSECUTION OF THE TERRORISTS, HAD DONE SO IN FULL REALIZATION OF THE PROBABILITY OF RETALIATION, SUCH AS THE KIDNAPPING OF TURKISH DIPLOMATS OR THE HIJACKING OF TURKISH AIRCRAFT. HE SAID HE EXPECTED SUCH ATTEMPTS TO BE MADE AND THE GOVT WAS TAKING STEPS TO GUARD AGAINST THEM AS BEST IT COULD.

7. I SAID THAT I WOULD BE VERY PLEASED TO REPORT WHAT THE MINISTER HAD TOLD ME. I ADDED MY CONVICTION THAT ONLY THROUGH FIRM ACTION SUCH AS HE HAD DESCRIBED COULD WE HOPE TO BRING THE PRESENT OUTBREAK OF INTERNATIONAL TERRORISM UNDER CONTROL.  
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